

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Teleadoracion Christian Network Inc.)	Facility I.D. No. 4110
Licensee of Station WDWL)	NAL/Acct. No.: 201341420040
Bayamon, Puerto Rico)	FRN: 0018091587

**NOTICE OF APPARENT
LIABILITY FOR FORFEITURE**

Adopted: August 6, 2013

Released: August 7, 2013

By the Chief, Video Division, Media Bureau:

I. INTRODUCTION:

1. In this *Notice of Apparent Liability for Forfeiture* (“NAL”) issued pursuant to Section 503(b) of the Communications Act of 1934, as amended (the “Act”), and Section 1.80 of the Commission’s Rules (the “Rules”),¹ the Commission finds that Teleadoracion Christian Network Inc. (the “Licensee”), licensee of Station WDWL, Bayamon, Puerto Rico (the “Station”), apparently willfully and repeatedly violated Section 73.3526² of the Rules by: (i) filing its Children’s Television Programming Reports with the Commission late for 11 quarters and (ii) failing to publicize the existence and location of those reports. We further find that the Licensee violated Section 73.673³ of the Rules by failing to provide information identifying each CORE children’s television program at the beginning of its airing. Based upon our review of the facts and circumstances before us, we conclude that the Licensee is apparently liable for a monetary forfeiture in the amount of fourteen thousand dollars (\$14,000).

II. BACKGROUND:

2. Section 73.3526 of the Rules requires each commercial broadcast licensee to maintain a public inspection file containing specific types of information related to station operations.⁴ As set forth in subsection 73.3526(e)(11)(iii), each commercial television licensee is required to prepare and place in its public inspection file a Children’s Television Programming Report (FCC Form 398) for each calendar quarter reflecting, *inter alia*, the efforts that it made during that quarter to serve the educational and informational needs of children. That subsection also requires licensees to file the reports with the Commission and to publicize the existence and location of the reports.

3. Pursuant to Section 73.673 of the Rules, licensees are required to provide to publishers of program guides information identifying programming specifically designed to educate and inform children, including an indication of the age group for which the program is intended. Section 73.673 further requires that licensees identify each CORE Program with an E/I symbol at the beginning of the program’s airing.

¹ 47 U.S.C. § 503(b); 47 C.F.R. § 1.80.

² 47 C.F.R. § 73.3526.

³ 47 C.F.R. § 73.673.

⁴ 47 C.F.R. § 73.3526.

4. On September 28, 2012, the Licensee filed its license renewal application (FCC Form 303-S) for the Station.⁵ In response to Section IV, Question 6 of the Application, the Licensee stated that, during the previous license term, it failed to comply with the reporting deadlines for Children's Television Programming Reports for eight quarters.⁶ A Commission review of the Station's online public file showed that, in addition to the eight reports that the Licensee reported, an additional three reports were filed late.

5. In response to Section IV, Question 8 of the Application, the Licensee stated that it had not been identifying the Station's CORE children's programming on-air using the "E/I" symbol due to failures in the Stations' equipment. The Licensee reported that it is repairing the equipment and will include such identifications going forward.⁷

6. In response to Section IV, Question 10 of the Application, the Licensee admitted that it had not publicized the existence and location of the Station's Children's Television Programming Reports due to "administrative oversight." The Licensee reported that it would begin providing such publicity by means of an on-air notice on at least a monthly basis.⁸

III. DISCUSSION

7. The Licensee apparently failed to file with the Commission the Station's Children's Television Programming Reports in a timely manner for 11 quarters. The Licensee further failed to publicize the existence and location of the Station's Children's Television Programming Reports. These constitute apparent willful and/or repeated violations of Section 73.3526(e)(11)(iii). Moreover, the Licensee failed to identify the Station's CORE children's programming on-air using the "E/I" symbol, representing a violation of Section 73.373 of the Commission's Rules.

8. The Licensee blames the violations on inadvertence and human error, but the Commission has repeatedly rejected these grounds as a basis for excusing violations of the children's television rules.⁹ The Licensee may have since taken corrective actions to prevent subsequent violations of the children's television rules and policies; however, the Commission has found that the fact that a broadcast station may have implemented a plan to prevent future violations of the Commission's children's television rules and policies does not relieve the licensee of liability for prior violations.¹⁰

9. This *NAL* is issued pursuant to Section 503(b)(1)(B) of the Act. Under that provision, any person who is determined by the Commission to have willfully or repeatedly failed to comply with any provision of the Act or any rule, regulation, or order issued by the Commission shall be liable to the United States for a forfeiture penalty.¹¹ Section 312(f)(1) of the Act defines willful as "the conscious and

⁵ File No. BRCDDT-20120928ATB.

⁶ *Id.*, Exhibit 23.

⁷ File No. BRCDDT-20120928ATB, Exhibit 25.

⁸ *Id.*, Exhibit 27.

⁹ *See, e.g., WCVB Hearst Television, Inc. (WCVB(TV))*, Notice of Apparent Liability for Forfeiture, 25 FCC Rcd 6128 (2010); *WSOC Television, Inc. (WSOC-TV)*, Notice of Apparent Liability for Forfeiture Letter, 25 FCC Rcd 6124 (2010); *Media General Communications Holdings, LLC*, Notice of Apparent Liability for Forfeiture, 25 FCC Rcd 6132 (2010).

¹⁰ *See, e.g., WSOC Television*, 25 FCC Rcd at 6125; *WCVB Hearst Television, Inc.*, 25 FCC Rcd at 6129-30; *WFTV, Inc. (WFTV(TV))*, Notice of Apparent Liability for Forfeiture, 25 FCC Rcd 6140 (2010).

¹¹ 47 U.S.C. § 503(b)(1)(B); *see also* 47 C.F.R. § 1.80(a)(1).

deliberate commission or omission of [any] act, irrespective of any intent to violate” the law.¹² The legislative history to Section 312(f)(1) of the Act clarifies that this definition of willful applies to both Sections 312 and 503(b) of the Act,¹³ and the Commission has so interpreted the term in the Section 503(b) context.¹⁴ Section 312(f)(2) of the Act provides that “[t]he term ‘repeated,’ when used with reference to the commission or omission of any act, means the commission or omission of such act more than once or, if such commission or omission is continuous, for more than one day.”¹⁵

10. The Commission’s *Forfeiture Policy Statement* and Section 1.80(b)(4) of the Rules establish a base forfeiture amount of \$10,000 for public file violations and \$3,000 for failure to file a required form.¹⁶ In determining the appropriate forfeiture amount, we may adjust the base amount upward or downward by considering the factors enumerated in Section 503(b)(2)(D) of the Act, including “the nature, circumstances, extent, and gravity of the violation and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.”¹⁷ In this case, the Licensee failed to publicize the Station’s Children’s Television Programming Reports for the entire license period, and we believe that a forfeiture in the amount of \$8,000 is appropriate for this violation. Moreover, the Licensee failed to file its Children’s Television Programming Reports in a timely manner for 11 quarters, and we conclude that a forfeiture of \$6,000 is appropriate for these violations. Accordingly, we find that the Licensee is liable for a forfeiture in the amount of \$14,000 for its apparent willful and repeated violations of Sections 73.3526.¹⁸

IV. ORDERING CLAUSES

11. Accordingly, IT IS ORDERED, pursuant to Section 503(b) of the Communications Act of 1934, as amended, and Section 1.80 of the Commission’s Rules, that Teleadoracion Christian Network Inc. is hereby NOTIFIED of its APPARENT LIABILITY FOR FORFEITURE in the amount of fourteen thousand dollars (\$14,000) for its apparent willful and repeated violation of Sections 73.3526 of the Commission’s Rules.

12. IT IS FURTHER ORDERED, pursuant to Section 1.80 of the Commission’s Rules, that within thirty (30) days of the release date of this *NAL*, Teleadoracion Christian Network Inc. LLC SHALL PAY the full amount of the proposed forfeiture or SHALL FILE a written statement seeking reduction or cancellation of the proposed forfeiture.

13. Payment of the proposed forfeiture must be made by check or similar instrument, payable to the order of the Federal Communications Commission. The payment must include the *NAL*/Acct. No. and FRN No. referenced in the caption above. Payment by check or money order may be mailed to Federal Communications Commission, at P.O. Box 979088, St. Louis, MO 63197-9000. Payment by overnight mail may be sent to U.S. Bank-Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St.

¹² 47 U.S.C. § 312(f)(1).

¹³ See H.R. Rep. No. 97-765, 97th Cong. 2d Sess. 51 (1982).

¹⁴ See *Southern California Broadcasting Co.*, Memorandum Opinion and Order, 6 FCC Rcd 4387, 4388 (1991).

¹⁵ 47 U.S.C. § 312(f)(2).

¹⁶ See *Forfeiture Policy Statement and Amendment of Section 1.80(b) of the Rules to Incorporate the Forfeiture Guidelines*, Report and Order, 12 FCC Rcd 17087, 17113-15 (1997) (“*Forfeiture Policy Statement*”), recon. denied, 15 FCC Rcd. 303 (1999); 47 C.F.R. § 1.80(b)(4), note to paragraph (b)(4), Section I.

¹⁷ 47 U.S.C. § 503(b)(2)(D); see also *Forfeiture Policy Statement*, 12 FCC Rcd at 17100-01; 47 C.F.R. § 1.80(b)(4); 47 C.F.R. § 1.80(b)(4), note to paragraph (b)(4), Section II.

¹⁸ Based upon the record before us, we think that an admonishment is warranted for the station's failure to identify CORE children’s programming for publishers of program guides.

Louis, MO 63101. Payment by wire transfer may be made to ABA Number 021030004, receiving bank: TREAS NYC, BNF: FCC/ACV--27000001 and account number as expressed on the remittance instrument. If completing the FCC Form 159, enter the NAL/Account number in block number 23A (call sign/other ID), and enter the letters "FORF" in block number 24A (payment type code).

14. The response, if any, must be mailed to Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554, ATTN: Barbara A. Kreisman, Chief, Video Division, Media Bureau, and MUST INCLUDE the NAL/Acct. No. referenced above.

15. The Commission will not consider reducing or canceling a forfeiture in response to a claim of inability to pay unless the respondent submits: (1) federal tax returns for the most recent three-year period; (2) financial statements prepared according to generally accepted accounting practices ("GAAP"); or (3) some other reliable and objective documentation that accurately reflects the respondent's current financial status. Any claim of inability to pay must specifically identify the basis for the claim by reference to the financial documentation submitted.

16. Requests for full payment of the forfeiture proposed in this *NAL* under the installment plan should be sent to: Associate Managing Director- Financial Operations, 445 12th Street, S.W., Room 1-A625, Washington, D.C. 20554.¹⁹

17. IT IS FURTHER ORDERED that copies of this *NAL* shall be sent, by First Class and Certified Mail, Return Receipt Requested, to Teleadoracion Christian Network Inc., P.O. Box 50615, Levittown Station, Toa Baja, Puerto Rico, 00950, and to its counsel, Francisco R. Montero, Esq., Fletcher Heald & Hildreth, P.L.C., 1300 North 17th Street, 11th Floor, Arlington, Virginia, 22209.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Division
Media Bureau

¹⁹ See 47 C.F.R. § 1.1914.